

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-580-D

BRENDA K. BOYKIN,)
Plaintiff,)
v.) **ORDER**
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

On February 6, 2012, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”) [D.E. 35]. In the M&R, Judge Daniel recommended that the court grant Brenda K. Boykin’s (“Boykin” or “plaintiff”) motion for judgment on the pleadings, deny Michael J. Astrue’s (“Commissioner” or “defendant”) motion for judgment on the pleadings, and remand the action to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the M&R. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s motion for judgment on the pleadings [D.E. 29]

is GRANTED, defendant's motion for judgment on the pleadings [D.E. 31] is DENIED, and the action is REMANDED to the Commissioner for proceedings as set forth in the M&R.

SO ORDERED. This 28 day of February 2012.



JAMES C. DEVER III
Chief United States District Judge